

## Stultz, Mark

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**From:** Wood, John [John.Wood@telos.com]  
**Sent:** Tuesday, December 14, 2010 12:26 AM  
**To:** Sally Mann  
**Cc:** jpaciulli@psaltd.com; Stultz, Mark; Avanhuyck@aol.com; Beckwith151@aol.com; info@newasburyfarm.com; BFissel@Dewberry.com; bruce@audubonnaturalist.org; gillissnow@cooley.com; egorski@pecva.org; gbingol@pecva.org; dpratt@mountain.org; jimandbarb@rstartmail.com; jcoleman@loudounwildlife.org; LErbs@GeoConcepts-Eng.com; mrolband@wetlandstudies.com; shankins@reedsmith.com; cteigen@stoneridgeinc.org; jctrantz09@verizon.net; ericegger@yahoo.com; ernesthmayer@mac.com; Gb0524@yahoo.com; Partyof5jones@aol.com; jhmerritt@erols.com; jlong@costco.com; jeanfrancois.mach@gmail.com; jnlafiandra@rcn.com; kturner@southriding.net; sycamorehill@starpower.net; mburns@broadlandshoa.com; pkeller@glassmile.net; Rick.Stone@Brambleton.org; rsimanski@yourpubpro.com; roy@royjacobsen.com; Stephen.collins@pultegroup.com; boardofdirectors@cascadesva.com; steven.m.edwards@verizon.net; twitmore@twcmanagement.com; williamhystevens@hotmail.com; Buckley, Susan; Burk, Kelly (Supervisor); Burton, Jim; Delgaudio, Eugene; Kurtz, Sally; McGimsey, Andrea; Miller, Stevens; Waters, Lori; York, Scott; loucanonico@ccl-eng.com; cwindle@dullesarea.com; dlucey@wetlandstudies.com; vinofab@aol.com; jnewton@dullesarea.com; MCapretti@gulickgroup.com; Buona, Ralph; Stephen@NotavivaVineyards.com; tdonegan@remax.net; thoward@loudounchamber.org; danopro@comcast.net; eric.dejonghe@comcast.net; bod@smartneighborhood.net; tmaschler@aol.com; wtaylor@southriding.net; gruenwolfgang@yahoo.com; Blackburn, Alex; Howard, Alison; Bailey, Robyn; Boles, Kellie; Brown, Ron; Childs, Corey; Edmonds, Laura; Gorney, Joe; Martinez, Hector; mh@herdplanning.com; McCormick, Nancy; Neri, Linda; Pastor, Julie; Pete.Holden@lswcd.org; Roberts, Jack; Rubis, Glen; Schardein, Dan; Wharton, Terrance; Yudd, Charles  
**Subject:** Re: Document Submitted by Stakeholder

Pls take me off your distribution list. Thank you. Jbw

On Dec 14, 2010, at 12:09 AM, "Sally Mann" <[salmann@rstartmail.com](mailto:salmann@rstartmail.com)> wrote:

Mr. Wood,

Mr. Pacuilli asked that I respond to the entire group, and so did Mr. Canonico regarding my use of the word "collusion." I am terribly sorry that I have offended you. I realize you have not been attending the Stakeholder meetings, but many were offended by some of Mr. Pacuilli's remarks, including accusing some of us of "hijacking" meetings, when we were just trying to get the buffer width to a vote.

Many people that you have sent this email to have not been at the Stakeholder meetings, and therefore I feel I must respond to the entire list. To those on this list, I apologize, but since Mr. Wood has sent an email to the entire list, I feel I must respond to the entire list. If you have been at the Stakeholder meetings, you will have heard what I will say below.

Mr. Pacuilli himself said he did not know what a Soil and Water Conservation Plan was or a nutrient plan, and that he had prepared many plans but never one of these. The Economic Development Commission should know what these are, how important they are to the rural policy area and rural businesses, and how beneficial they are to Loudoun's streams. Rural businesses and agricultural enterprises exist on 2/3 of Loudoun's land, and most already volunteer for Soil and Water Conservation plans.

The debate has been about whether to exempt agricultural enterprises and rural businesses like vineyards from the arbitrary buffers, if they file a Soil and Water Conservation Plan, with an agreement to practice best management practices and no till farming. These plans are based on soil sampling, and specific fertilizer and manure management plans based on the specific use. There are a lot of reasons why a one size fits all buffer is inappropriate especially in western Loudoun. Vineyards, for example, are planted once, and require little fertilization or irrigation; crop rotation puts nutrients back into soil and requires little fertilization, etc. Mr. Pacuilli has also argued that the recent Watershed Implementation Plan (WIP) filed by the State is irrelevant, when it specifically address water quality issues for agriculture, saying on page 5 that for the Chesapeake Bay Watershed, the State is recommending Counties:

"Implement **resource management plans** (this is the Soil and Water Conservation plan/nutrient plan/farm plan I spoke about) on most agricultural acres which **may** include: 35 foot **grass** or forest buffers...stream exclusion **over time**, implemented nutrient management plans..."

Contrary to Mr. Pacuilli's position, the WIP is very important, not irrelevant, and the EDC should be listening to the State's recommendations, helping rural businesses survive, not arguing with other Stakeholders not to consider things the EDC should know about but does not know about or understand.

I am sorry to have offended you, but I am hoping that the EDC will make a better effort to inform itself, and help rural businesses, not continue to argue for the consideration of 100 foot buffers.

Thank you,

Sally Mann

On Dec 13, 2010, at 11:22 PM, Wood, John wrote:

Dear Ms Mann

Please remove my e-mail from your list. Any correspondence I wish to receive regarding the CPBO, should come from the County Staff or their designees.

I am not a developer, I am a landowner, a business leader, and volunteer a tremendous amount of my personal time for the benefit of Loudoun County.

I know Joe Paciulli, having volunteered with him for the last five years. I have never seen him do anything that is not in the long term interests of Loudoun County.

Regarding County Staff, by and large, I have found Loudoun County Staff to try their best in a very political environment where I have very publicly joked that "in Loudoun, 5-4 is unanimous".

Thank you.

John B. Wood

Chairman, Loudoun County EDC

From: keburrell [[keburrell@smartneighborhood.net](mailto:keburrell@smartneighborhood.net)]

Sent: Sunday, December 12, 2010 9:48 PM

To: [salman@rstarmail.com](mailto:salman@rstarmail.com)

Cc: [jpaciulli@psaltd.com](mailto:jpaciulli@psaltd.com); [Mark.Stultz@loudoun.gov](mailto:Mark.Stultz@loudoun.gov); [Mark.Stultz@loudoun.gov](mailto:Mark.Stultz@loudoun.gov); [Avanhuyck@aol.com](mailto:Avanhuyck@aol.com); [Beckwith151@aol.com](mailto:Beckwith151@aol.com); [info@newasburyfarm.com](mailto:info@newasburyfarm.com); [BFissel@Dewberry.com](mailto:BFissel@Dewberry.com); [bruce@audubonnaturalist.org](mailto:bruce@audubonnaturalist.org); [gillissnow@cooley.com](mailto:gillissnow@cooley.com); [egorski@pecva.org](mailto:egorski@pecva.org); [gbingol@pecva.org](mailto:gbingol@pecva.org); [dpratt@mountain.org](mailto:dpratt@mountain.org); [jimandbarb@rstarmail.com](mailto:jimandbarb@rstarmail.com); [jcoleman@loudounwildlife.org](mailto:jcoleman@loudounwildlife.org); [LErbs@GeoConcepts-Eng.com](mailto:LErbs@GeoConcepts-Eng.com); [mrolband@wetlandstudies.com](mailto:mrolband@wetlandstudies.com); [shankins@reedsmith.com](mailto:shankins@reedsmith.com); [cteigen@stoneridgeinc.org](mailto:cteigen@stoneridgeinc.org); 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[boardofdirectors@cascadesva.com](mailto:boardofdirectors@cascadesva.com); [steven.m.edwards@verizon.net](mailto:steven.m.edwards@verizon.net); [twhitmore@twcmanagement.com](mailto:twhitmore@twcmanagement.com); [williamhystevens@hotmail.com](mailto:williamhystevens@hotmail.com); [Susan.Buckley@loudoun.gov](mailto:Susan.Buckley@loudoun.gov); [Susan.Buckley@loudoun.gov](mailto:Susan.Buckley@loudoun.gov); [Supervisor.Kelly.Burk@loudoun.gov](mailto:Supervisor.Kelly.Burk@loudoun.gov); [Supervisor.Kelly.Burk@loudoun.gov](mailto:Supervisor.Kelly.Burk@loudoun.gov); [Jim.Burton@loudoun.gov](mailto:Jim.Burton@loudoun.gov); [Jim.Burton@loudoun.gov](mailto:Jim.Burton@loudoun.gov); [Eugene.Delgaudio@loudoun.gov](mailto:Eugene.Delgaudio@loudoun.gov); [Eugene.Delgaudio@loudoun.gov](mailto:Eugene.Delgaudio@loudoun.gov); [Sally.Kurtz@loudoun.gov](mailto:Sally.Kurtz@loudoun.gov); [Sally.Kurtz@loudoun.gov](mailto:Sally.Kurtz@loudoun.gov); [Andrea.McGimsey@loudoun.gov](mailto:Andrea.McGimsey@loudoun.gov); [Andrea.McGimsey@loudoun.gov](mailto:Andrea.McGimsey@loudoun.gov); [Stevens.Miller@loudoun.gov](mailto:Stevens.Miller@loudoun.gov); [Stevens.Miller@loudoun.gov](mailto:Stevens.Miller@loudoun.gov); [Lori.Waters@loudoun.gov](mailto:Lori.Waters@loudoun.gov); [Lori.Waters@loudoun.gov](mailto:Lori.Waters@loudoun.gov); [Scott.York@loudoun.gov](mailto:Scott.York@loudoun.gov); [Scott.York@loudoun.gov](mailto:Scott.York@loudoun.gov); [loucanonico@ccl-eng.com](mailto:loucanonico@ccl-eng.com); [loucanonico@ccl-eng.com](mailto:loucanonico@ccl-eng.com); [cwindle@dullesarea.com](mailto:cwindle@dullesarea.com); [dlucey@wetlandstudies.com](mailto:dlucey@wetlandstudies.com); [vinofab@aol.com](mailto:vinofab@aol.com); [jnewton@dullesarea.com](mailto:jnewton@dullesarea.com); [Wood, John](mailto:Wood, John); [MCapretti@gulickgroup.com](mailto:MCapretti@gulickgroup.com); [Buona, Ralph](mailto:Buona, Ralph); [Stephen@NotavivaVineyards.com](mailto:Stephen@NotavivaVineyards.com); [tdonegan@remax.net](mailto:tdonegan@remax.net); [thoward@loudounchamber.org](mailto:thoward@loudounchamber.org); [danopro@comcast.net](mailto:danopro@comcast.net); [eric.dejonghe@comcast.net](mailto:eric.dejonghe@comcast.net); [bod@smartneighborhood.net](mailto:bod@smartneighborhood.net); [tmaschler@aol.com](mailto:tmaschler@aol.com); [wtaylor@southriding.net](mailto:wtaylor@southriding.net); [gruenwolfgang@yahoo.com](mailto:gruenwolfgang@yahoo.com); [Alex.Blackburn@loudoun.gov](mailto:Alex.Blackburn@loudoun.gov); [Alex.Blackburn@loudoun.gov](mailto:Alex.Blackburn@loudoun.gov); [Alison.Howard@loudoun.gov](mailto:Alison.Howard@loudoun.gov); [Alison.Howard@loudoun.gov](mailto:Alison.Howard@loudoun.gov); [robyn.bailey@loudoun.gov](mailto:robyn.bailey@loudoun.gov); [robyn.bailey@loudoun.gov](mailto:robyn.bailey@loudoun.gov); [Kellie.Boles@loudoun.gov](mailto:Kellie.Boles@loudoun.gov); [Kellie.Boles@loudoun.gov](mailto:Kellie.Boles@loudoun.gov); [Ron.Brown@loudoun.gov](mailto:Ron.Brown@loudoun.gov); [Ron.Brown@loudoun.gov](mailto:Ron.Brown@loudoun.gov); 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[Jack.Roberts@loudoun.gov](mailto:Jack.Roberts@loudoun.gov); [Glen.Rubis@loudoun.gov](mailto:Glen.Rubis@loudoun.gov); [Glen.Rubis@loudoun.gov](mailto:Glen.Rubis@loudoun.gov); [Dan.Schardein@loudoun.gov](mailto:Dan.Schardein@loudoun.gov); [Dan.Schardein@loudoun.gov](mailto:Dan.Schardein@loudoun.gov); [Terrance.Wharton@loudoun.gov](mailto:Terrance.Wharton@loudoun.gov); [Charles.Yudd@loudoun.gov](mailto:Charles.Yudd@loudoun.gov); [Charles.Yudd@loudoun.gov](mailto:Charles.Yudd@loudoun.gov)

Subject: Re: Document Submitted by Stakeholder

Dear Ms Mann

Please remove my e-mail from your list. Any correspondence I wish to receive regarding the CPBO, should come from the County Staff.

Any petty grievances you may have should be handled directly with the appropriate person.

Thank you.

Ed Burrell  
Leisure World

<-----Original Message----->

From: Sally Mann [[salmann@rstarmail.com](mailto:salmann@rstarmail.com)]

Sent: 12/11/2010 1:28:29 PM

To: [jpaciulli@psaltd.com](mailto:jpaciulli@psaltd.com)

Cc:

[Mark.Stultz@loudoun.gov](mailto:Mark.Stultz@loudoun.gov); [Mark.Stultz@loudoun.gov](mailto:Mark.Stultz@loudoun.gov); [Avanhuyck@aol.com](mailto:Avanhuyck@aol.com); [Bekwith151@aol.com](mailto:Bekwith151@aol.com); [info@newasburyfarm.com](mailto:info@newasburyfarm.com); [BFissel@Dewberry.com](mailto:BFissel@Dewberry.com); [bruce@audubonnaturalist.org](mailto:bruce@audubonnaturalist.org); [gillissnow@cooley.com](mailto:gillissnow@cooley.com); [egorski@pecva.org](mailto:egorski@pecva.org); [gbingol@pecva.org](mailto:gbingol@pecva.org); [dpratt@mountain.org](mailto:dpratt@mountain.org); [jimandbarb@rstarmail.com](mailto:jimandbarb@rstarmail.com); [jcoleman@loudounwildlife.org](mailto:jcoleman@loudounwildlife.org); [LErbs@GeoConcepts-Eng.com](mailto:LErbs@GeoConcepts-Eng.com); [mrolband@wetlandstudies.com](mailto:mrolband@wetlandstudies.com); [shankins@reedsmith.com](mailto:shankins@reedsmith.com); [cteigen@stoneridgeinc.org](mailto:cteigen@stoneridgeinc.org); [jctrantz09@verizon.net](mailto:jctrantz09@verizon.net); 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[Stevens.Miller@loudoun.gov](mailto:Stevens.Miller@loudoun.gov); [Lori.Waters@loudoun.gov](mailto:Lori.Waters@loudoun.gov); [Lori.Waters@loudoun.gov](mailto:Lori.Waters@loudoun.gov); [Scott.York@loudoun.gov](mailto:Scott.York@loudoun.gov); [Scott.York@loudoun.gov](mailto:Scott.York@loudoun.gov); [loucanonico@ccl-eng.com](mailto:loucanonico@ccl-eng.com); [loucanonico@ccl-eng.com](mailto:loucanonico@ccl-eng.com); [cwindle@dullesarea.com](mailto:cwindle@dullesarea.com); [dlucey@wetlandstudies.com](mailto:dlucey@wetlandstudies.com); [vinofab@aol.com](mailto:vinofab@aol.com); [jnewton@dullesarea.com](mailto:jnewton@dullesarea.com); [John.wood@telos.com](mailto:John.wood@telos.com); [MCapretti@gulickgroup.com](mailto:MCapretti@gulickgroup.com); [Ralph.buona@telos.com](mailto:Ralph.buona@telos.com); [Stephen@NotavivaVineyards.com](mailto:Stephen@NotavivaVineyards.com); [tdonegan@remax.net](mailto:tdonegan@remax.net); [thoward@loudounchamber.org](mailto:thoward@loudounchamber.org); [danopro@comcast.net](mailto:danopro@comcast.net); 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[Corey.Childs@loudoun.gov](mailto:Corey.Childs@loudoun.gov); [Laura.Edmonds@loudoun.gov](mailto:Laura.Edmonds@loudoun.gov); [Laura.Edmonds@loudoun.gov](mailto:Laura.Edmonds@loudoun.gov); [Joe.Gorney@loudoun.gov](mailto:Joe.Gorney@loudoun.gov); [Joe.Gorney@loudoun.gov](mailto:Joe.Gorney@loudoun.gov); [Hector.E.Martinez@loudoun.gov](mailto:Hector.E.Martinez@loudoun.gov); [Hector.E.Martinez@loudoun.gov](mailto:Hector.E.Martinez@loudoun.gov); [mh@herdplanning.com](mailto:mh@herdplanning.com); [Nancy.McCormick@loudoun.gov](mailto:Nancy.McCormick@loudoun.gov); [Nancy.McCormick@loudoun.gov](mailto:Nancy.McCormick@loudoun.gov); [Linda.Neri@loudoun.gov](mailto:Linda.Neri@loudoun.gov); [Linda.Neri@loudoun.gov](mailto:Linda.Neri@loudoun.gov); [Julie.Pastor@loudoun.gov](mailto:Julie.Pastor@loudoun.gov); [Julie.Pastor@loudoun.gov](mailto:Julie.Pastor@loudoun.gov); [Pete.Holden@lswcd.com](mailto:Pete.Holden@lswcd.com)

.org;Jack.Roberts@loudoun.gov;Jack.Roberts@loudoun.gov;Glen.Rubis@loudoun.gov;Glen.Rubis@loudoun.gov;Dan.Schardein@loudoun.gov;Dan.Schardein@loudoun.gov;Terrance.Wharton@loudoun.gov;Terrance.Wharton@loudoun.gov;Charles.Yudd@loudoun.gov;Charles.Yudd@loudoun.gov

Subject: Re: Document Submitted by Stakeholder

Dear Mr. Stulz,

I am not sure why the County has ignored my repeated requests for information on how many acres of land in Loudoun County are subject to conservation easements giving up subdivision or development rights.

My understanding that in advance of the last rural downzoning taking away subdivision rights and making the AR1 and AR2 districts Agricultural Rural (no longer residential zoning categories) that many large landowners placed conservation easements on their properties (and got significant tax credits based on the old zoning allowing residential subdivision to 3 acre lot sizes.) These easements give up rights to subdivide, in exchange for tax credits.

In evaluating the CBPO, it is important to assess what the true "development" risk is to Loudoun, and therefore it is important to have these figures.

I would also ask that you put a vested use/project issue up for discussion, after we discuss further buffer exemptions, IDA exemptions and clarify what seems to be an obvious implicit consensus based on other votes that the Stakeholders want NO RMA.

As to the vested right issue, many farmers and rural uses have expended great sums in things like fencing and other infrastructure that the proposed CBPO threatens. To change the buffer and require new setbacks/fencing could destroy many small businesses and farms in western Loudoun.

As for the RMA issue, contrary to the assertions of Ms. Bingol, we do not need to designate the whole County RMA to require a 5 year pump out. The State already allows us to regulate the number of years for pump out, and MANY mandated jurisdictions did not make the whole

jurisdiction RMA, but included a 5 year pump out. I do not know if we will get to the 5 year pump out issue, but I believe there is consensus for NO RMA. I also believe that the 15 years, as proposed by the State in the Watershed Implementation Plan, would suffice and there would be consensus on this issue.

As a final issue, I would like to have a vote on whether there is consensus that the Board should continue to consider the CBPO at all. I think a vast majority of the Stakeholders think the CBPO is a misguided Ordinance in these economic times, where we should be encouraging economic growth, and not burdening existing established neighborhoods, existing lots or agriculture/rural uses. Right now, for some reason, the Board is rushing this through as an "emergency" that does not exist, and adopting it as a "Codified Ordinance" with no notice to anyone affected. I believe there is consensus that this is very unfair to homeowners and others, who should have certified notice that the uses of their property will be significantly restricted, and that there will be additional liability to them (eg, must submit a plan prepared by a certified forester to just take down a dead tree or remove any vegetation, and seek approval to plant on their lots, off of the approved list, which does not include many of the most popular plantings in yards, like dogwoods, ornamental trees, etc.) The Board is planning on adopting a stand alone CBPO as a "codified" ordinance and THEN saying since we have this Ordinance we HAVE to amend our zoning ordinance and comprehensive plan to bring them in conformance. I think this is a poor way to do this and unfair. The public should have notice of the CBPO, in its exact final form, before it is adopted, and the notice should be by certified mail to anyone the proposed CBPO will affect. I would like this as separate issues.

I have been very disappointed that the moderator has refused to let us vote on issues that the some of the Stakeholders believed had consensus. We have spent sometimes 20 minutes debating on whether to vote (like on the exemptions in the 35 foot buffer) when it would have taken less time to just vote the individual issues up or down. We spent more time than that getting to a vote on the 35 foot buffer, because the moderator insisted we take a vote on the 100 foot buffer first, and wanted to explore options for exemptions in the 100 foot buffer. We were forced to debate the 100 foot buffer for almost a

meeting and a half, when we were finally allowed to vote it down, and when we could have voted on the 35 foot buffer and had time to debate and vote on the exemptions we wanted to the 35 foot buffer. We will not be able to finish, because the moderator will not let the consensus guide the meeting, but insists on promoting the County staff's obvious positions and the PEC's position. The County staff has not presented any "worst case" scenarios, but always "best case" and I feel has mislead us on other issues, inappropriately. It has not made for a fair process. That, with the compressed schedule, where if you miss a meeting because you are delayed on a plane, or sick, and get no chance to vote, because only those present can vote, is very unfair. Many of the HOA stakeholders stopped coming to the meetings because the process seemed so rigged. Mr. Pacuilli's assertion that some of us who want truth are "hi-jacking" the meetings is self serving, given his attempts (in collusion with the moderator, the PEC and the Staff) to shut out or just not take the majority vote.

Thank you,

Sally Mann